

Application No.: 10/518,661
Filing Date: July 5, 2005
Attorney Docket No.: 903-125 PCT/US
Amendment

REMARKS

Reconsideration of the above-identified application, including claims 56 to 69, and 71 to 74, in view of the following remarks, is requested.

Claims 82 to 105 have been withdrawn. Please cancel claims 70, and 75 to 81.

Restriction Requirement

The Office Action, at p. 2 to 3, contains a restriction requirement directed to the following inventions identified in the Office Action, at p. 2:

Group I – Claims 56 to 81, apparatus and method where pump and reservoir assemblies are separate assemblies which can be coupled together

Group II – Claims 82 to 105, apparatus and method where pump assembly includes one or more exchangeable pumps

Claims 56 to 81 have been provisionally elected, as indicated by the Office Action, at p. 3. According to the Office Action, at p. 3, “[a]ffirmation of this election must be made by applicant in replying to this Office action.” The election of claims 56 to 81 is hereby affirmed.

Drawings

The Office Action, at p. 3, contains an objection to Fig. 6 of the drawings based on the reference numeral 2. The attached replacement sheet 5 of the drawings contains Fig. 6 in which the reference numeral 2 has been replaced by the reference numeral 3. Accordingly, the objection to Fig. 6 should be withdrawn, and such action is requested.

The Office Action, at p. 3, contains an objection to the drawings based on “the decreasing and increasing cross-sectional area of the first and second piston chambers and the filling unit”. The increasing and decreasing cross-sectional area of the first and second piston chambers is very gradual and therefore cannot be clearly shown in the Figures. A drawing showing clearly these very small differences would not be realistic as the piston could no longer move along the inner wall of the respective piston chamber, or major leakage would occur. Accordingly, it is respectfully submitted that this objection to the drawings should be withdrawn, and such action is requested.

Specification

The Office Action, at p. 4, contains an objection to the specification, at p. 13, line 8, based on “the reservoir assembly [being] referred to as ‘2’ ”. The specification, at p. 13, line 8, as amended herein, contains “the reservoir assembly 3”. Accordingly, this objection to the specification should be withdrawn, and such action is requested.

The Office Action, at p. 5, contains an objection to the specification, at p. 18, line 5, based on “the two reservoirs [being] labeled as ‘310’ ”. The specification, at p. 18, line 5, as amended herein, contains “the two reservoirs 103”. Accordingly, this objection to the specification should be withdrawn, and such action is requested.

The Office Action, at p. 5, contains an objection to the specification based on “references ... to cancelled claims, e.g., reference to claim 1 on page 1 of the specification.” The references to the claims in the specification have been amended to refer to the “originally filed” claims and the originally filed claims have been added to the specification in the Preliminary Amendment for the above-identified application filed on December 17, 2004 in the U.S. Patent and Trademark Office. The amendments to the specification which refer to the “originally filed” claims are contained in the Preliminary Amendment, at p. 2 to 5. The addition of the originally filed claims is contained in the Preliminary Amendment, at p. 5 to 16.

Accordingly, this objection to the specification should be withdrawn, and such action is requested.

Claim Rejections – 35 U.S.C. § 112

The Office Action, at p. 5, contains a rejection under 35 U.S.C. § 112, first paragraph, of claims 56 to 81. The Office Action, at p. 5, refers to claim 56 containing “two operating means”. Claim 56, as amended herein, does not contain “two common, manually operable operating means” and does contain “a common, manually operable operating means”. Claims 57 to 69 depend from claim 56. Claims 71 to 74 depend from

Application No.: 10/518,661
Filing Date: July 5, 2005
Attorney Docket No.: 903-125 PCT/US
Amendment

claim 56. Claims 70, and 75 to 81 have been cancelled. Accordingly, this rejection of claims 56 to 81 should be withdrawn, and such action is requested.

The Office Action, at p. 5, contains a rejection under 35 U.S.C. § 112, second paragraph, of claims 56, 70, and 74 to 81.

According to the Office Action, at p. 5, claim 56 is “vague and indefinite” based on the claim containing “can be”. Claim 56, as amended herein, does not contain “can be coupled”, and does contain “are coupable”. Also, claim 56, as amended herein, does not contain “can be” immediately preceding “filled”, and does contain “is” immediately preceding “filled”. Accordingly, this rejection of claim 56 should be withdrawn, and such action is requested.

According to the Office Action, at p. 6, claim 70 is “vague and indefinite” based on the claim containing “designed”. Claim 70 has been canceled herein. Accordingly, this rejection of claim 70 should be withdrawn, and such action is requested.

According to the Office Action, at p. 6, claim 74 is “vague and indefinite” based on the claim containing “the connecting element”. Also, according to the Office Action, at p. 6, “claim 74 should depend from claim 71”. Claim 74, as amended herein, depends from claim 71. Accordingly, this rejection of claim 74 should be withdrawn, and such action is requested.

Application No.: 10/518,661
Filing Date: July 5, 2005
Attorney Docket No.: 903-125 PCT/US
Amendment

According to the Office Action, at p. 6, claim 75 is “vague and indefinite” based on the claim containing “the ‘Reservoir assembly’” and “a dispensing unit”. Claim 75 has been canceled herein. Accordingly, this rejection of claim 75 should be withdrawn, and such action is requested.

According to the Office Action, at p. 6, claims 76 to 81 are “vague and indefinite” based on the claims containing “filling unit” and being dependent from claims “directed to a ‘dispenser’ ”. Claims 76 to 81 have been canceled herein. Accordingly, this rejection of claims 76 to 81 should be withdrawn, and such action is requested.

According to the Office Action, at p. 6, claim 81 is “vague and indefinite” based on the claim containing “filling unit” and being dependent from a claim “directed to a ‘Method’ ”. Also, according to the Office Action, at p. 6, claim 81 “should be dependent upon claim 80.” Claim 81 has been canceled herein. Accordingly, this rejection of claim 81 should be withdrawn, and such action is requested.

Claim Rejections – 35 U.S.C. §§ 102, 103

The Office Action, at p. 5, contains a rejection of claims 56, 58, 59, 67 to 70, and 75 under 35 U.S.C. § 102(b) based on U.S. Patent No. 5,823,394 (Davis et al.).

The Office Action, at p. 9, contains a rejection of claims 56, 71, and 74 under 35 U.S.C. § 102(b) based on U.S. Patent No. 6,341,717 (Auer).

Application No.: 10/518,661
Filing Date: July 5, 2005
Attorney Docket No.: 903-125 PCT/US
Amendment

The Office Action, at p. 10, contains a rejection of claim 57 under 35 U.S.C. § 103(a) based on Davis et al. in view of U.S. Patent No. 5,237,797 (Varlet).

The Office Action, at p. 11, contains a rejection of claims 60 to 63 under 35 U.S.C. § 103(a) based on Davis et al. in view of WO 99/25627 (van der Heijden).

Davis et al. discloses a dispensing unit having a pump assembly with two pumps being actuable by a common actuation button and a reservoir assembly having two reservoirs. However, the pump assembly and the reservoir assembly are formed by an integral body wherein the cylinder of one of the pumps is integrally formed with the reservoirs. Thus, the pump assembly and the reservoir assembly are not separate assemblies as required by claim 56. Furthermore, claim 56 requires that the reservoirs are filled through the outlet of the respective reservoir. However, in the dispensing unit of Davis et al., this is not possible as the annular valve body 17 and the valve flap 22 prevent the reservoirs from being filled through the outlet of the respective reservoir.

U.S. Patent Application Publication No. US 2001/0025860 (Auer) discloses a dispensing unit having a pump assembly and two separate reservoirs. US 2001/0025860 does not disclose a reservoir assembly having two integral reservoirs. Furthermore, there is no disclosure in US 2001/0025860 of filling the reservoirs through the outlets of the reservoirs before coupling the reservoirs to the pump assembly. Also, claim 55 defines two integral reservoirs which are not disclosed or suggested by US 2001/0025860.

Application No.: 10/518,661
Filing Date: July 5, 2005
Attorney Docket No.: 903-125 PCT/US
Amendment

Varlet discloses an embodiment wherein a reservoir is filled through the outlet of the reservoir. However, Varlet does not disclose a reservoir assembly having two reservoirs coupled to a pump assembly after each reservoir is filled through the outlet of the reservoir.

Van der Heijden discloses a reservoir having a breakable seal. Van der Heijden does not disclose a pump assembly. Also, no reservoir assembly having two reservoirs is disclosed. Due to the presence of the breakable seal, it is not possible to fill the reservoir through the outlet. Therefore, the reservoir of van der Heijden is not suitable for a dispensing unit according to claim 56 of the above-identified application.

In view of the above differences between the dispensing unit of the present invention defined by claim 56 and prior art, the subject matter of claim 56 is regarded to be patentable over the prior art.

Claims 57 to 69, and 71 to 74 depend from claim 56 and thereby contain all of the limitations thereof. Accordingly, the subject matter defined by claims 57 to 69, and 71 to 74 is regarded to be patentable over the prior art for the same reasons as for claim 56.

Accordingly, the rejections of claims 56 to 69, and 71 to 74 under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn, and such action is requested.

Application No.: 10/518,661
Filing Date: July 5, 2005
Attorney Docket No.: 903-125 PCT/US
Amendment

The U.S. Patent and Trademark Office is authorized and requested to charge all fees required for entry of the present Amendment in the above-identified application and consideration thereof to the Deposit Account No. 08-2461. Also, if a fee has been overpaid, the U.S. Patent and Trademark Office is authorized and requested to credit the fee to the Deposit Account No. 08-2461.

If the Examiner has any questions regarding the above-identified application, the Applicant's Attorney, Gordon F. Belcher, is requested to be contacted at the telephone number below.

Respectfully submitted,



Gordon F. Belcher
Registration No.: 33,156
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700